

Truro Board of Selectmen
Meeting Minutes – August 12, 2014
Truro Town Hall, 4:00 p.m.

Members Present: Jay Coburn-Chair, Paul Wisotzky-Vice Chair, Jan Worthington-Clerk, Robert Weinstein, and Maureen Burgess

Others Present: Co-Acting Town Administrator Robert Lawton

Chair Jay Coburn called the meeting to order at 4:00 p.m.

At 4:00pm Coburn moved that the Board of Selectmen enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, 21(a) number (3) to discuss strategy relative to collective bargaining, and strategy relative to litigation, whereas discussion of these matters in open session would have a detrimental effect on the bargaining/litigating position of the Town and to reconvene in regular session. Coburn so declared that it would have a detrimental effect on the town. Worthington seconded the motion. Roll Call Vote: Robert Weinstein, aye; Maureen Burgess, aye; Jay Coburn, aye; Paul Wisotzky, aye; Jan Worthington, aye. So voted unanimously 5-0.

At 5:05 p.m. the Board of Selectmen reconvened in Open Session.

Public Comment Period

Christopher Lucy presented two questions. He questioned whether it was lawful to use Community Preservation funds for the Friends of the Truro Recreation bid for a consultant since Town Counsel opinion on the ATM Article was not favorable to this being for the purposes of recreation. Mr. Lawton spoke to the use of CPC funds being used for certain recreational purposes.

His second question was related to the Kline residence on Stephens Way. The second request before the Board of Selectmen, was regarding the Kline property. He questioned the amount being spent on the courts and the amount of money being lost in revenue for the property owner's tax abatement. He finished by commenting that this lawsuit needed to end.

Update on implementation of Fire Department Alternative Work Period and Overtime

Wisotzky explained that an alternate work period had been approved which consisted of an overtime work period after 28 days. This will be fully implemented to control overtime expenses.

Update on Wage and Classification Study

Mr. Lawton referred to the time line from Human Resources Services Inc. and his memo¹ to the Board of Selectmen. He stated concern that the contract calls for a completion of the Wage and Classification study to have been finished by HRS Inc. in the month April 2014. He explained that most of the job descriptions have been reviewed and returned to HRS Inc. Mr. Lawton stated that the final report will be available in mid-September. Coburn expressed great concern that the consultants were not meeting their deliverable. He felt that it was important to express to the consultants their frustration and the lack of a good reference that would come from the Truro Board of Selectmen. It was noted that the full report from the consultants was delaying other items that needed to be accomplished. Wisotzky added that he too was concerned with the many revisions made to the job descriptions that took time from the staff to do and is ultimately the work of the consultants. Weinstein asked if anything could be done to expedite this process. Mr. Lawton added that he would like a second review of the job descriptions then

the consultants will provide the wage analysis. Coburn suggested no further payment without the Board of Selectmen approval.

Burgess moved that no further payments be made to Human Resource Services Inc. Weinstein seconded the motion. So voted unanimously 5-0.

Review and Approve Land Management Agreement for Pamet Harbor Parking Lot, Boat Ramp, Boarding Pier, Gangway and Floats with Pamet Harbor Commission and signage

Tim Silva, Chair of the Pamet Harbor Commission came before the Board of Selectmen. He spoke of the vote of support that the Commission gave for the Land Management Agreement². He mentioned issues that might arise when the parking lot is busy and suggested that the enforcement of the parking rules goes to the Harbor Master. Mr. Silva noted the option of a Special Permit for certain events additionally allowed for the parking lot. He mentioned accessing one side of Mill Pond Road as an alternative for people to park which he thought was a good alternative. Burgess suggested that the Charter fisherman implement having customers park at their residences. Worthington added that when it is busy the rules can be applied per the judgement of the Harbor Master. Mr. Lawton explained how the tickets would be issued in order to access parking. Weinstein spoke to the reason that the agreement was broad, since the Department of Fish and Game manages 163 facilities. There was a brief discussion on the history of the facility with respect to the State and what has been allowed over the years and the issuing of Special permits for certain events that use the parking lot. It was noted that Special permitting will be referenced in the signage that the State is providing and that the facility is for boating purposes.

Mr. Lucy asked about 320 CMR 2.00 regulations with respect to required postings and publication when approving the Land Management Agreement. Mr. Lawton responded that those requirements pertain to any changes made to the agreement. He also explained that the agreement allows for mooring holders to use the facility. It was discussed that the Harbor Master would be in charge of the regulations of the harbor parking lot.

Moniz Rose came before the Board of Selectmen with the question of whether those with boats, kayaks, mooring holders were going to be treated differently. He stated that he had been at the meeting at the harbor which included a discussion with Jack Sheppard, Director of Fishing and Boating Access, adding he felt that use of the parking lot should be left as it is for many reasons including the Harbor Master being in a difficult spot.

Elena Rice spoke of owning a Charter business and questioned whether use of the parking lot was going to be different tomorrow. She said she also uses the parking lot for family fishing trips in addition to chartering and asked if she will still be able to use the parking lot for these activities.

Tony Jackett, Harbor Master, explained that the end of the busy season was approaching and things had worked out for the summer. He explained how parking has been working throughout the summer. He said that they work to accommodate use of the parking lot. He added that he would adhere to the direction of the Town Administrator.

Wisotzky encouraged Mr. Jackett to come before the Board of Selectmen if there are any issues.

Weinstein moved on this day August 12, 2014 the Town of Truro enter into a Land Management Agreement pursuant to the Authority of General Law 21A Section 2 (8) Section 11B by and between the Department of Fish and Game and the Town of Truro acting by and through its

Board of Selectmen. Burgess seconded the motion. So voted unanimously 5-0.

Appointment of Shellfish Constable and Deputy Shellfish Wardens per MGL CH 130 §98

Coburn eluded to a conflict of interest issue with Mr. Wisbauer's appointment as a Deputy Shellfish Warden and as a grant holder. Weinstein explained that based on the Statute the Shellfish Constable is appointed by the Board of Selectmen³. Weinstein cited MGL Chapter 130 §98 that authorizes the Board of Selectmen to make the appointments. Tony Jackett will be appointed as Shellfish Constable and the Deputies for a three year term. Both Mr. Wisbauer and Mr. Bloom assist Mr. Jackett and would need to get the requisite training. Mr. Jackett gave accounts of situations in which his assistants have enforced the regulations. It was reiterated that there was a conflict with Mr. Wisbauer being appointed as a grant holder which would delay his appointment until there is proper disclosure filings. Wisotzky thanked Mr. Jackett for all his hard work on the Shellfish beds. He added that they need to make sure that people successfully complete the training. Both Steve Wisbauer and John Bloom need to complete the training within three years per MGL Chpt. 130 §98. **Weinstein made a motion pursuant to MGL Chapter 130 §98 under the authority of the Board of Selectmen to appoint Tony Jackett as Shellfish Constable and John Bloom as Deputy Shellfish Warden. Burgess seconded the motion. So voted unanimously 5-0.**

Coburn asked to take out of order the appointment of John Dundas to the Zoning Board of Appeals.

Review and Approve John Dundas as Alternate on the Zoning Board of Appeals

Dundas was before the Board of Selectmen to be appointed an Alternate on the Zoning Board of Appeals⁴. He spoke to his interest in serving on this Board. He was thanked for his willingness to serve. **Wisotzky moved to approve the appointment of John Dundas as an Alternate on the Zoning Board of Appeals. Worthington seconded the motion. So voted unanimously 5-0.**

Review and Approve Applications to Serve on Charter Review Committee-Gary Palmer and John Snow

Coburn commented that there was one vacancy on the Committee with both John Snow and Gary Palmer applying to serve on the Committee⁵. **Worthington moved to appoint Gary Palmer on the Charter Review Committee. Weinstein seconded the motion. So voted unanimously 5-0.**

Report on the Town Administrator Search Process and scheduling candidate interview dates

Worthington, explained as Liaison, to the Town Administrator Search Committee that the Committee will have 3-5 candidate's names to present on August 26th. She noted that the Board of Selectmen need to consider their next steps once the names are presented. It was suggested that beyond the interview process, the candidates meet with staff and have them see different parts of Truro. Coburn suggested during a one- two day process, they meet with the 3-5 candidates prior to the interviews. He proposed the days of September 15th and 16th. There was a brief discussion as to how much time to spend interviewing each candidate. It was agreed that all of the Department heads should meet with the finalists then hold the interview process in public session. Worthington suggested that the Board of Selectmen think ahead as to what questions they want to ask the candidates. Mr. Lawton responded that he would prepare some questions and each Selectmen can pick two questions to ask of the finalists. He also suggested a tour of Truro with the candidates. Burgess suggested a problem solving scenerio for the finalists to respond to as a part of their interview. Wisotzky commented on the Open Meeting Law requirements when they do take the candidates around town and meet with staff. It was suggested to try to have questions formalized for the meeting on the 26th. There was a discussion as to a proposed date of September 16th for the interviews.

Consent Agenda

- 1) Review, and Approve Meeting Minutes – July 5th & July 22nd, 2014 Regular and Executive & Hold⁶
- 2) Review and Approve Renewal of Charleen Greenhalgh and Robert Lawton as Co-Acting Town Administrators and authorize the Chair to sign renewal of Memorandum OF Agreement with Charleen Greenhalgh⁷
- 3) Review and Approve and Authorize the Chair to sign DECAMM Standard Contractor Evaluation for work performed by Annese Electrical Services, Inc.⁸
- 4) Review and Approve and Authorize the Chair to sign:
 - a. 911 Support and Incentive Grant⁹
 - b. Acceptance of the FY15 Cape Cod Healthcare Medical Director Contract¹⁰
 - c. FY15 Attachment B Formula Grant Allocation Budget for the Executive Office of Elder Affairs¹¹
- 5) Review and Approve Renewal of Lower Cape Community Access Television Contract¹²
- 6) Review and Approve Renewal of Maureen Burgess as Truro Representative to the Cape Cod National Seashore Advisory Commission and Jay Coburn as Alternate¹³
- 7) Review and Approve Appointment of Priscilla Silva to the Cable & Internet Advisory Commission¹⁴
- 8) Review and Approve Re-appointments to Boards and Committees (Steve Wisbauer-SAC; Mark Farber-En. Com.; Karen Snow-BWWC; Michael Silva & Richard Marr-Rec. Com.; Robert Lowe-CPC; Karen Shedd-Cultural Council; Tom Kane-SAC; Linda Noons-Rose-ConsCom)¹⁵
- 9) Review and Approve Renewal of Common Victualler (food) Babe's Restaurant -63 Shore Rd¹⁶
- 10) Review and Approve Renewal of 2 Year Shellfish Grant –Dana Pazolt- 643 Shore Rd-1 Acre¹⁷
- 11) Review and Approve One Day Alcohol License for Truro Treasures (9/20)¹⁸
- 12) Review and Approve Entertainment Application (One Day) Truro Center for the Arts at Castle Hill (8/9) & Truro Vineyards of Cape Cod (8/14)¹⁹
- 13) Review and Approve Use of Town Property – Truro Treasures Weekend-Car Show (9/20)²⁰

Weinstein stated corrections to be made to the July 22nd regular session minutes.

Wisotzky referenced (#9) on the Consent Agenda, asking what the owner's of Babe's Restaurant intentions were for opening this season. He also asked about the August 9th event at Castle Hill that involved entertainment (#12). Coburn requested to hold the Truro Arts Center at Castle Hill from the Consent Agenda.

It was explained that the owners of Babe's restaurant had intentions to open this season but a renewal of the license would only be issued when business applications were in hand. The August 9th entertainment at Castle Hill request was removed previously by the event organizer for approval. After being brought to the attention of the Licensing Department it was before the Board of Selectmen after the fact. Coburn asked to hold the reappointment of Steve Wisbauer until the issue of conflict had been resolved and to hold Dana Pazolt's license request for a determination on his filing of a conflict of interest disclosure since he is a grant holder and a member of the Shellfish Advisory Commission.

Weinstein questioned (with respect to #4a) if there could be a discussion on regionalizing dispatch service with the Chief of Police.

Wisotzky moved to approve the Consent Agenda minus items (#8, #10, & #12). Burgess seconded

the motion. So voted unanimously 5-0.

Coburn asked to delay (#8) for a determination from Town Counsel regarding Steve Wisbauer's appointment and asked to reserve (#10) until an ethics disclosure had been filed by Dana Pazolt for his appoint on the Shellfish Committee and for being a grant holder. Coburn stated with respect to (#12) that the organization has had an issue in the past with not applying in a timely manner and he was not willing to retroactively approve the application. There was a brief discussion to delay action on (#8) and (#10) for an approval of an ethics disclosure.

Wisotzky moved to deny the One Day Entertainment license retroactively for Truro Center Arts at Castle Hill on August 9th. Burgess seconded the motion. So voted unanimously 5-0.

Discussion of Town Representation within the Herring River Restoration MOU III

Burgess spoke to the Herring River Restoration Executive Counsel²¹ group being formed to ensure that policies are being followed. The group will meet quarterly, as needed. She requested that the Board of Selectmen decide if one member or two members would be adequate to be present at the Executive Counsel meetings. She noted that there are less properties in Truro being impacted than in Wellfleet. Wisotzky commented that it would be disadvantageous if there were only one member voting from Truro. Weinstein agreed to be a member of the Committee.

Wisotzky moved to appoint two members of the Truro Board of Selectmen to the Herring River Restoration MOU III Executive Counsel, Maureen Burgess and Robert Weinstein. Worthington seconded the motion. So voted unanimously 5-0.

Development of Non-Discrimination Policy for Town Contracts

Wisotzky stated that this issue arose from reviewing contracts for the Town and he requested that standard non-discrimination language include gender identity be inserted in all of the contracts that the Town enters into. He requested that it be made into a policy for the Board of Selectmen. It was confirmed to Weinstein that this request was consistent with MGL. Mr. Lawton deferred to Town Counsel for the proposed language for their next meeting.

Selectmen Reports Liaison Reports

Worthington-She proposed working with Susan Travers, COA Director, to redraft the Senior Tax Program so that positions can be rotated for individuals looking to participate; this would ensure a broader range of people being able to receive this Town benefit. She also asked that Residential Tax Exemption be looked into for Truro and have the discussion of implementing it be on a future agenda.

Wisotzky-He stated that the recruitment posters and flyers for the Fire department have generated great responses. He spoke to the resignation of Bob Holt from the Recycling Committee and the Energy Committee and thanked him for his years of service. Coburn requested a Proclamation for his extended tenure serving Truro for many years.

Burgess-She spoke of there being a vacancy on the Bike and Walkways Committee. She also noted the celebration on August 21st for the First Congregational Parish Historic District placement on the National Registrar of Historical Places.

Weinstein – He stated that recently he had Selectmen Office hours at the Farmer's market. He proposed that a weekend day be utilized for better attendance for working locals versus holding the event on Mondays. He also attended the Pamet Harbor Commission meeting where a number of issues were addressed with great participation and he gave a special thanks to the Chairman, Tim Silva.

Coburn-Stated that he and Burgess will be holding Office Hours at the Transfer station Saturday ,

August 16th.

Next meeting Agenda: August 26, 2014

Draft Non-Discrimination Policy; Update on Goals and Objectives; Pamet Harbor Dredging Permits with Coastal Engineering; Massachusetts Housing Partnership Agreement; Proclamation for Suicide Prevention; Woods Hole Group Agreement-Next Phase on the culvert; Cape Cod Fuel Oil Contract; Town Administrator Search Committee presentation; Fire Department Hiring –Adoption of Standards; Revise Senior Tax Program and Preliminary Discussion on implementing Pay-As-You-Throw. Weinstein asked for a report on Regional Dispatch (Part of Quarterly Report)

Town Administrator Report

Mr. Lawton explained that the Town of Truro had coverage for the summer season for an Animal Control Officer with a shared part-time person that is employed with Wellfleet. Wellfleet is going forward with the advertising for the position. The position will continue to be shared between Truro and Wellfleet. Mr. Lawton stated that he is also considering options for a regional animal shelter. Lastly, he added that he had contacted Comcast for an update on the timeline within the existing contract for those not served by cable or internet.

At 6:57pm Wisotzky moved to adjourn the meeting. Weinstein seconded the motion. So voted unanimously 5-0.

Respectfully submitted,
Nicole Tudor, Board of Selectmen Secretary

Jay Coburn, Chairman

Paul Wisotzky, Vice-Chairman

Janet W. Worthington, Clerk

Robert Weinstein

Maureen Burgess
Board of Selectmen
Town of Truro

¹ Human Resources Services Inc. Memo and Robert Lawton Memo to Board of Selectmen regarding Wage & Classification

² Land Management Agreement ; Memo from Harbor Master to BoS; Proposed Parking Sign design

³ MGL Ch. 130 Sec. 98 Appointment of Shellfish Constable and Deputy Shellfish Wardens

⁴ Application to serve –John Dundas

⁵ Applications to serve-Gary Palmer and John Snow

⁶ Review, and Approve Meeting Minutes – July 5th & July 22nd, 2014 Regular and Executive & Hold

⁷ Review and Approve Renewal of Charleen Greenhalgh and Robert Lawton as Co-Acting Town Administrators and authorize the Chair to sign renewal of Memorandum OF Agreement with Charleen Greenhalgh

⁸ DECAMM Standard Contractor Evaluation for work performed by Annese Electrical Services, Inc.

⁹ 911 Support and Incentive Grant

¹⁰ Acceptance of the FY15 Cape Cod Healthcare Medical Director Contract

¹¹ FY15 Attachment B Formula Grant Allocation Budget for the Executive Office of Elder Affairs

¹² Lower Cape Community Access Television Contract

¹³ Memo from Maureen Burgess regarding Truro Representative to the Cape Cod National Seashore Advisory Commission

¹⁴ Application to serve- Priscilla Silva to the Cable & Internet Advisory Commission

¹⁵ Applications to serve-Steve Wisbauer-SAC; Mark Farber-En. Com.; Karen Snow-BWWC; Michael Silva & Richard Marr-Rec. Com.; Robert Lowe-CPC; Karen Shedd-Cultural Council; Tom Kane-SAC; Linda Noons-Rose-ConsCom

¹⁶ Business license application for Common Victualler (food) Babe's Restaurant -63 Shore Rd

¹⁷ Shellfish Grant Application –Dana Pazolt- 643 Shore Rd-1 Acre

¹⁸ One Day Alcohol License application for Truro Treasures (9/20)

¹⁹ Entertainment Applications (One Day) Truro Center for the Arts at Castle Hill (8/9) & Truro Vineyards of Cape Cod (8/14)

²⁰ Use of Town Property – Truro Treasures Weekend-Car Show (9/20)²⁰

²¹ Memo regarding Herring River Restoration Executive Counsel membership